IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 5943 of 2005

Between:

K. Srinivasa Rao S/o Sri Appa Rao
Water Supply Department,

Visakha Steel Plant, R/o Visakhapatnam

..... PETITIONER

AND

1 The Appellate Authority (Under sec. 7(2) of the A.P.Sc. ST & BC's

Regulation of Issue of Community Certificates Act and
Rules 1977) rep by Sectary for Social Welfare & Tribal Welfare A.P

Secretariat, Hyderabad-22
2 The Joint Collector and Additional District Magistrate,

East Godavari District ,Kakinada
3 Visakhaptnam Steel Plant, rep by its Superintendent

Water Supply Department, Visakhapatnam

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records from the respondents and issue an appropriate Writ Order or Direction, particularly one in the nature of Writ of Certiorari and quash the Memo issued by the 1st respondent in proceedings No. 1449/CV.2/2005-1, dt 14-3-2005 communicated on 19-3-2005 in so far as rejecting the stay petition in Appeal filed by me on 18-2-2005 as arbitrary, illegal, without assigning any reasons, without notice, without jurisdiction and also in violation of Articles 14 and 21 of the Constitution of India, and grant all consequential benefits, and pass such other order or orders as deemed fit and proper under the circumstances of the case.

Counsel for the Petitioner: MR.A.K.JAYAPRAKASH RAO

Counsel for the Respondent Nos.1 and 2: GP FOR SOCIAL WELFARE
Counsel for the Respondent No.3: MR V.RAVINDRA RAO

The Court at the admission stage made the following:

ORDER:

Aggrieved by the proceedings in Rc.B2/10359/89, dated 31.12.1989, issued by the Collector, East Godavari District, the petitioner filed an appeal before the Government. The 1st respondent, by its order dated 14.03.2005, rejected the stay petition in the appeal filed by the petitioner. Challenging the same, the present writ petition is filed.

Heard the learned Counsel for the petitioner and the learned Government Pleader for Social Welfare.

The appeal filed by the petitioner is still pending with the

1st respondent. The petitioner cannot be permitted to maintain two parallel proceedings in respect of the same cause of action.

Therefore, without entering into the merits of the case, I deem it appropriate to dispose of the writ petition, with a direction to the

1st respondent to pass appropriate orders in the appeal filed by the petitioner, within a period of 2 (two) months from the date of receipt of a copy of this Order. Till such time, status quo, existing as on today, shall be maintained.

With the above directions, the Writ Petition is disposed of. No order as to costs.

Dated: 22.03.2005

Dsr

Note:

Issue operative portion by wire

at party's costs.

B/o

Dsr

ASSISTANT REGISTRAR

To:

1. The Secretary for Social Welfare &
Tribal Welfare, The Appellate Authority,
A.P.Secretariat, Hyderabad

2. The Joint Collector and Additional
District Magistrate, East Godavari District,
Kakinada

3. The Superintendent,
Visakhapatnam Steel Plant,
Water Supply Department,
Visakhapatnam

4. Two CCs to the Government Pleader
for Social Welfare, High Court Buildings,
Hyderabad (OUT)

5. Two CD copies